

General Policy and Rules and Regulations of TCWD

CHAPTER 12: ADMINISTRATIVE MATTERS

Section 12.1 Rules and Regulations; Interpretations and Severability.

12.1.1 Rules of Construction. The following rules of construction shall govern as rules to the interpretation(s) of the District's Rules and Regulations:

12.1.1.1 In the event of an actual conflict between these Rules and Regulations and the Constitution, laws and regulations of the State or the United States of America, then the State or federal laws shall govern over the provisions of these Rules and Regulations.

12.1.1.2 Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine or feminine gender is for convenience only and shall be deemed to include the neuter, masculine or feminine gender, as appropriate.

12.1.1.3 Headings of the sections or subsections herein are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

12.1.1.4 The words "herein", "hereof," "hereby", "hereunder" and other words of similar import refer to these Rules and Regulations as a whole and not to any particular Section, paragraph or subdivision hereof.

12.1.1.5 The term "or" is not exclusive.

12.1.1.6 A reference to a law includes any amendment or modification to such law.

12.1.2 In the event of a conflict between these Rules and Regulations, the following guidelines, in order of priority, shall apply: (a)

every effort shall be made to harmonize the relevant provisions to avoid a conflict; (b) in the event of a conflict, the more specific provision(s) shall apply, or be effective, over the more general provision(s); and (c) if necessary, the General Manager may issue an interpretation of the provision(s) in question as authorized by these Rules and Regulations.

- 12.1.3 Interpretations and Guidelines. The Board has vested in the General Manager the authority to issue permanent or temporary interpretations of these Rules and Regulations (which are subject to revision or replacement by action of the Board) and to issue guidelines which shall not conflict with, and otherwise be compatible with, these Rules and Regulations. Any such interpretations and guidelines shall be subject to appeal as set forth in these Rules and Regulations under Section 12.3 entitled "Appeal of Determinations Under Rules and Regulations". Any such interpretations and guidelines may reference the authority set forth in this Section. Any and all such interpretations and guidelines shall be retained with these Rules and Regulations.
- 12.1.4 Severability. If any section, subsection, sentence, clause or phrase of these Rules and Regulations is/are for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of these Rules and Regulations. The Board hereby declares that it would have passed these Rules and Regulations by section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 12.2 Amendment of Rules and Regulations and District Policies.

- 12.2.1 Consideration by the Board to adopt a new Rules or Regulations or to amend existing Rules and Regulations may be initiated by any Director, the General Manager or the District's legal counsel. The proposed adoption or amendment is initiated by submitting a written draft of the proposed adoption or amendment to each Director and the General Manager through the District's office, and requesting that the item be included for consideration on the agenda of the appropriate meeting of the Board.
- 12.2.2 Adoption of new Rules and Regulations, or amendment of

existing Rules and Regulations shall be accomplished at a regular, adjourned regular or special meeting of the Board.

- 12.2.3 Before considering to adopt or amend any Rules and Regulations, Directors shall have the opportunity to review the proposed adoption or amendment at the Board meeting prior to the meeting at which consideration for adoption or amendment is to be given. Copies of the proposed Rules and Regulations adoption or amendment shall be included in the agenda information packet for any meeting of consideration. The agenda information packets with said copies shall be made available to each Director for review at least three (3) days prior to any meeting of consideration.

Section 12.3 Appeal of Determinations Under Rules and Regulations.

Should any Applicant or Consumer feel that the provisions of these Rules and Regulations of the District are unjust or not equitable or that some exception should be granted from the provisions hereof by reason of circumstances peculiar to the situation of the individual concerned a written request for an exception or deviation from the provisions hereof may be submitted in writing to the Board. The Board will consider such written applications at its next regular meeting held after receipt of the written appeal for which the matter may be agendized under the provisions and limitations of State law. The Board may, in its discretion, modify any requirements, application or provisions of these Rules and Regulations (on a permanent or temporary basis), or grant an exception to the Rules and Regulations, in such instances as it determines the circumstances warrant an exception. The Board's determination as to whether or not any exception should be granted to any interpretation of these Rules and Regulations shall be final and conclusive. Following any such determination by the Board, the appellant will be advised in writing of the Board's determination(s).